

SPEECH

OF

HON. J. J. CRITTENDEN, OF KENTUCKY.

Delivered in the Senate of the United States, April 27, 1853.

Mr. President, I wish, with as little consumption of the time of the Senate as possible, to set forth the reasons which, upon the fullest consideration that I have had the opportunity of giving to this subject, constrain me to vote against this report. In some respects, undoubtedly, the amendment proposed by the committee of conference meets my cordial concurrence. I was opposed to the admission of Kansas upon the basis of the Leecompton Constitution, because I thought that instrument not only did not express the will of the people of Kansas, but was against their known will and wishes; and moreover I thought it had been made by fraud and political trickery. I opposed, therefore, the enforcement of that Constitution upon the people of Kansas. That was the main point of controversy then. Gentlemen on the other side regarded it as being presented in all the forms of law, and said that those forms of law through which this question had passed in the Territory of Kansas, precluded us from any examination beyond them. I supposed that forms were only intended to promote and ascertain the truth—not that they confused and crushed the truth, and precluded all examination into it.

I was opposed to enforcing this instrument upon the people against their will, and stained, as I supposed, with fraud. Other gentlemen took different views of the case, and insisted upon its prompt and immediate adoption, and the absolute admission of the State into the Union upon it. The committee of conference, in their consideration of the subject, have

changed the views which were entertained by the Senate at that time, and have now agreed to abandon the Leecompton Constitution, so far at least as to submit it to the people of Kansas now for their affirmation. So far we are agreed.

But, sir, in making that submission to the people, certain consequences are attached to it, which I think, are an unjust, an improper encumbrance upon the free right of the people to choose their institutions for themselves. In the bill substituted by the House of Representatives in place of the Senate's bill, there was a fair submission of the Leecompton Constitution provided for, and the people were told, "if you affirm this, very well; it is all at your discretion; a matter of choice with you, free, uninfluenced, fair; choose as you please; and if you choose to reject this Constitution, as not satisfactory to you, a Convention of the people of the Territory shall immediately be called, to make such Constitution as is satisfactory; and upon that Constitution's being made, and upon a reference of it to the people, if they shall affirm what the Convention has done, the President of the United States, being made acquainted with the fact, shall announce it by proclamation, and thereafter the State shall be considered as one of the Union.

That is the bill which the Senate has voted against. The committee of conference, abandoning, as I say, the enforcement of the Leecompton Constitution as an absolute one, and the admission of the State as an absolute admission, come to our ground, so far as to agree that that

instrument shall be submitted to the people. The committee of conference say it shall be submitted to the people; but how submitted? In the fair, open, unencumbered manner that it was to be by the bill of the House of Representatives? No, sir.

I have said that this new amendment proposes the submission of the Constitution. I am substantially correct in that statement. Literally, however, it is but a submission of certain grants of land which have been habitually made by Congress, upon the formation and admission of new States—grants for school purposes, grants for a university, grants for establishing a seat of Government. It submits these grants, and the condition upon which they are made, to wit, that the State accepting them shall not be at liberty to interfere with the disposal of the public lands or to impose taxes upon them—it refers this formal part of the instrument of admission to the people. It submits to them the question, are you willing to take these grants of land or not? That is the only question to be submitted to the people, but by legislation a consequence is to flow from their action perfectly arbitrary in its nature, and altogether illogical in the conclusion. If they are willing to take the land, it is to be inferred that they are willing to take a Constitution which is known to be obnoxious to them; and if they reject the grants of land for any reason, or without any reason, then they are to be considered as rejecting the Constitution. Here is a side issue, or a collateral consequence, infinitely more important than the direct question propounded to the people.

Now, sir, why is this? It is in effect, I grant, for I do not wish to stand on mere formalities or technicalities, a submission of the Constitution to the people. It is a sort of feigned issue out of Congress. That issue the people are to try. The world, looking at that issue, might say: "Well, what of this; what do you say about the Constitution; there is nothing here about it?" Oh, well, but we will annex, by law, a legal consequence, though no man would ever think of deriving it as a legitimate and logical consequence; and that consequence shall be, if you take the land, you take another thing entirely distinct from it—a certain Constitution. You agree to waive all

your objections to the Constitution in regard as obnoxious character. Obnoxious perhaps if you take the land. You do not want the land, or if you reject it because it is not as much as you desire or as much as you hoped for, then you shall be considered as rejecting the Constitution, though you may, in fact, be satisfied with it. This is a fair submission of it to the people. You say to them, in effect, "vote for the obnoxious Constitution; agree to put a little yoke on your necks; and you shall be rewarded for it with lands without limit almost."

Sir, is not that offering a temptation? They are to have the land if they accept the Constitution; if they do not, they are not to have it. Does it mean to hold out the idea that, by possibility, this is the last chance for obtaining that land; and that having once rejected it in due form of law, this form of law shall be set against them as an estoppel—I think the word we have heard so often is estoppel—against their ever having any more land. Will the world consider it fair? Will the people of the United States consider it fair? If the people of Kansas are entitled to vote upon the Lecompton Constitution, they are entitled to it in virtue of the right of self-government; they are entitled to it in virtue of that great sovereign popular right, by virtue of which every Government that we represent here stands. We have no right to diminish, no right to control, no right to encumber it. If it is their right, and you have no right to attach penalties or conditions to the exercise of it. Although I have no idea that it is the intention of Congress to withhold from them, at any time hereafter, these lands, yet read this bill, and see if that is not the impression it may make. At any rate, this is a great bonus offered to them for immediate admission. This is calculated to take away from the submission the complexion of fairness and equality; it is calculated to take away from it the face of justice.

More than that: not only is this reward to accompany one vote that they may give, but there is another consequence. The measure says to the people of Kansas: "If you choose to take this Lecompton Constitution, with all its imperfections, you shall have it; if you choose to silence all complaints and all the denunciatio-

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which you have made against it; if you choose to humiliate yourselves as freemen by a confession of as much baseness as that would imply, then, no matter what your numbers are, we shall make no inquiry, but come into the Union at once, with all the dowry of land which we give our newly-admitted and infant States; you shall come in at once to the great family of sovereign States; you shall come into the Senate of the United States; you shall come into the House of Representatives; and you shall sit side by side with those great and mighty States which achieved the Revolution, and achieved the liberties which we here enjoy—come in and share with us the crown and the sceptre; accept these grants with this Constitution, and you shall do it instantly, and we will make no inquiry as to your numbers. Only accept this Constitution, and all these things are yours; but reject it, and you shall not only not come in now as a sovereign State, but we will inquire into your numbers, and you shall not come in now under any form of Constitution, nor shall you ever come in, under any form of Constitution, until your population shall amount to that number which is fixed by the general law as the ratio of representation throughout the country."

Here, sir, are the benefits, and here are the penalties that are to attend upon the vote to be given in Kansas. Is this a fair submission? Is it for us—guardians, if of nothing else, of the political morality of the country—to put such a temptation in the way of our people, those who are subject to our laws, and must follow our bidding? If these are unfair encumbrances upon the right of suffrage, is it not wrong in us to place this great free principle under such trammels and encumbrances as we are now doing? So it seems to me; and, in my opinion, those who consider it candidly will come to the same conclusion. If my friends, who have been in favor of the Lecompton Constitution, and especially those who have been opposed to its submission to the people, shall look candidly at it, they will see, not only that the submission which they oppose has been granted, but see that that submission, and the vote which is to be given under it, are encumbered by conditions, by trammels, and by temptations, which ought not to be presented by us to

any portion of our people. Must not that be their conclusion?

Mr. President, anxious as I am to see this subject entirely settled, and this Kansas volcano extinguished, closed up, filled up forever, I would rather that these measures should all fail, and Kansas be left just where you found her, than where this bill would place her. To do nothing would place her where this bill would; but it would place her there without this injurious and unjust legislation on our part. This bill, if she refuses to accept the Lecompton Constitution, remits her to a Territorial condition. She is now in a Territorial condition. She will remain in it if no legislation be adopted by Congress. What good, then, is this to effect? Is not every gentleman here morally certain that all these temptations will fail, and that this Constitution will be rejected? I am perfectly certain that it will be rejected; she will be a Territory then, under the force of this legislation. She is a Territory now; and she will continue to be a Territory if this bill passes, and she rejects the Constitution. Then, what have we gained by it? Nothing; not a straw; not the dust in the balance in which the peace of the country is weighed.

Another and further distinction between the House bill and this bill is, that the House bill provided, in case of the rejection of the Lecompton Constitution, an immediate remedy for that, by calling another Convention, which Convention, before the next session of Congress, the bill supposed, would have formed a Constitution, which would have been acted upon, and we should come here finding Kansas a State in the Union—at any rate, the question put out of our hands; for if they rejected this, we provided the means of their making another. This bill says, if they reject this, there is no means of their making another, and they shall not have another; it shall be postponed indefinitely; and we here authorize them, when they have obtained a certain amount of population, but not till then, to make a Constitution, thus leaving this vexed and vexatious question open, to pour out further troubles on the land.

It abandons, then—and that is all it does in concurrence with my ideas of the proper course on this subject—the Lecompton Constitution, by agreeing to sub-

mit it to the people. It does no more than the House bill did on that point. In all the rest it is faulty; in all the rest it is a poor, maimed imitation of the bill of the House, worse for every change that has been made, and by these very changes creating insuperable obstacles to prevent those who view it as I do from giving their concurrence to the report of this committee. I rejoice at it, so far as they go to abandon the Lecompton Constitution; but, sir, how strangely are the views changed upon this subject, which will be satisfied with this report of the committee here? The President, in his special message, after arguing the question and recommending and urging us to adopt the Lecompton Constitution, among other reasons, says it is the shortest and quickest way to close up this Kansas question, and all the agitations that have grown out of it. That is one of the President's inducements. He tells us, that will be the consequence. He tells us, if we do not agree to it, dangerous results will follow. This was the argument here. What, now, do the committee of conference propose? They abandon the President, they abandon all his reasons, they abandon his recommendation, his authority is set at naught—and what do they do? After having given the President much reason to believe that, to this extent at least—that is, of shortening the method of settling the Kansas question—they concurred with him in opinion, as the arguments of gentlemen did on the original bill, they now turn round and say it is far from their purpose to adopt the shortest and the quickest way for the admission of Kansas, to quell all these disturbances, and to quiet the land, by admitting her into the Union; that is not their purpose at all; now they say to her, if she does not take this thing, she shall not come into the Union; she shall wait, how long I do not know—the President does not know. All the celerity of movement to a particular goal is laid aside; and now, if the President concurs in it, as if it were in resentment on his part, which I would not attribute to him—but resentment itself could not have dictated a course more calculated to avenge the wrong of refusing the Lecompton Constitution absolutely, than the one which is now proposed, that unless they take it they shall not come into the Union

for an indefinite time—by the adoption of this amendment his friends say to President, and by this report the committee of conference say to him, “we do care whether that time is long or short we do not agree with you, sir, on question of the Lecompton Constitution or a continuation of all difficulties, and the disturbances, and all the perils which have grown out of it in the country. That is the action, that is the legislation of Congress, if this report be adopted.

I do not wish unnecessarily to enlarge on this subject. I have stated the main reasons why I cannot vote for the report. It seems to me to be in perfect consonance with the prejudices and suspicions which have been excited in Kansas, and the committee of conference propose change in the board to govern the election which the bill of the House presented and authorized. That authorized five commissioners, the Governor, and Secretary of the Territory, two officers of President's appointment, and two individuals of the Territory, who might be, one the President of the Council, and other the Speaker of the House of Representatives of the Legislature. Any three of them were to constitute a board. Nothing therefore could be done in the board without one of the President's appointees being there, or one of the people's appointees being there. Here the board is increased to the number of five, and another officer of the President's appointment—the District Attorney of the Territory—is added making five, any three of whom may act so that the judges, appointed by the President to guard this election, will constitute a majority, and can decide anything and everything, and have the election in their own hands. We know that this method of regulating elections has been one of the great causes of jealousy and suspicion and complaint in Kansas—I need not say how justly, for that is not in question—but we have evidence enough unquestionably to show that the public mind there has been full of jealousy, full of suspicion, of those who regulated their elections. It has been charged that they controlled them by pretended votes, by false returns, or by one unfairness or another at the polls—polls which were governed entirely by party judges. The bill of the House proposed to take them out of the

hands of party altogether, so that neither should have any right to complain. It proposed to have a power above party in this particular to govern and control this election. We chose men who, by their official stations, stood high, and whose integrity might be relied upon; but this committee propose to add a fifth, which destroys the character of impartiality—that character calculated to repel suspicion, and repel jealousy. This is comparatively a small affair, and I would give very little consequence to it; but the other is the main ground of objection, as it seems to me. It is not fair; it is not equal; it is not just.

I ask my friends of the South, if the case were reversed between the North and the South, what would the South say to such a mode of submission? What would the South say to the North, if the North proposed to her, "we will submit this Constitution; we will say that if you accept it we will give you land; we will give you immediate admission into the Union as a State; we will say to all the aspirants in the Territory, you who want to be Senators, you who hope to obtain that honored place; you who want to be Representatives from the new State, (and these are generally the first and influential citizens,) to you we offer immediate admission, and the immediate opportunity of obtaining these cherished and hoped-for honors; but reject it, and you shall be indefinitely postponed?" That is not fair. What would the South say if the case were reversed, and the North were to put this form of question to a proposed State that had a majority in favor of Slavery and a slave State? Would they not think it very hard? I would. I would spurn it; I would resist it—resist it to the uttermost! I would demand for those of my section a fair election upon equal terms.

You have waited too long for the application in this case of a rule requiring a certain population before Kansas can be admitted. I believe, as far back as the last Congress, the bill of my friend from Georgia [Mr. TOOMBS] proposed to authorize them to come into the Union with the numbers they then had. I voted for it, and we made this exception in respect to Kansas, on the ground not merely of right on her part, but because she was the source of so much trouble, and so much

agitation throughout the land, that we desired to suppress the evil, and her admission was thought to be the best mode of doing it. The proposition for her admission in that bill, I am certain, was founded upon and moved by these patriotic and just considerations, on the part of my friend from Georgia, even then. As long as there was a hope of establishing the Lecompton Constitution arbitrarily on these people against their will, did anybody hear any serious objections made to it on the ground that they had not the requisite population? No, sir. It is now only announced; and, coming in this way, it does come as a penalty upon the people. All our legislation has been based on the idea that in this exceptional case, to guard against the mischiefs that Kansas had created throughout the country, we would take her into the Union, bind her in the Federal chain, and leave her to herself, to drag that chain along as she could or might; to have upon her all its obligations, to govern herself, and to govern herself at her own hazard; and thus, to use a familiar expression, localize all the trouble she might create among her own people, and confine it to them. We have pursued that policy; we have proceeded upon that concession upon every side, and by every one; we have legislated upon it throughout, up to this moment; and now, for the first time, after these long concessions, disfranchisement is threatened; the penalty of being remitted indefinitely to a Territorial condition is held out, if the people do not accept a Constitution that we know is obnoxious to them.

I say, Mr. President, that it does not appear to me that this is fair; and although I belong, as every man must do, to some part or some section of the country, I want to see justice done. My experience teaches me that justice alone is a lasting foundation, in public or in private life, for everything dear and valuable. It is the only sure, unshakable, imperishable foundation, and upon that basis alone can the connections and relations between States and nations be calculated on as permanently settled. Nothing else will do. The affections of the human heart may aid, I trust have aided, I hope will long continue to aid, in strengthening this permanent foundation which Justice

herself has made; but these are transitory and changeable. Circumstances may create a flow of kind feelings; circumstances may produce a fatal end to them. They will not do for a foundation. Like a foundation, that is laid upon the sand, or upon the water, it is unstable, changeable. Justice is eternal, everlasting. If you want to secure it, the attempt merely to get up a good feeling for the moment is not sufficient. It may be a remedy partially, for a day or for an hour; but that is not what we want. We want something that shall last. That is justice. Justice will quiet everybody.

Then, is this justice? You want to quiet all these agitations. So do I; no man more than I. Anything and everything that was in my power would I do to accomplish the object. Let us try impartial justice—no crimination, no retaliation. Do justice. Upon that we can stand firm, and defy all the accidents and chances of time or circumstance. That is my mode of giving security to the North and to the South, to the East and to the West; and without it there will be no permanent peace, there will be no tranquillity. Evil generates nothing but evil; injustice generates nothing but injustice; and her steps are constantly from bad to worse. Now, I ask, is this right? Is it just? That is the question the Senate ought to consider. Each gentleman can resolve it for himself. I have given the reasons which have guided me to the solution of that question at which I have arrived.

We hear, Mr. President, a great deal about this section and that section, and a man's allegiance to one section and another section. Within a certain limit and scope, this language is allowable enough; but, sir, take my case. What is the position of my State? I know, in the sort of political geography which has been made of our country, in spite of its natural geography, the extremes of North and South have swallowed up all the States; but what propriety is there in this? Is there not a great Western section, geographically, as well as a Northern and a Southern section? In my country we call ourselves Western men. Geographically we have that position in this Union. You have an extreme to the North, with its peculiar employments and its peculiar

opinions. A different state of things exists at the extreme South. You are both upon the ocean; but where are we? We are in the Great West—we are the Great West! Though not equal at this time, in point of population, to either the Northern or the Southern section, we are destined to be more in population than both of them put together—destined to have more of the surplus of the products of the earth in our hands than all the rest of the United States; occupying the most fertile region of the world in all that is necessary for the subsistence and comfort of mankind; and, in the language of that famous French writer, De Tocqueville, occupying a region the finest and the most glorious that the Almighty ever made for the habitation of man. That is our country in the West. We touch no ocean; we are interior. We lie in no connection with the North; we are far from the South.

What peculiar interest does this geographical position of ours give us? North and South may occasionally have their passions excited to think that one or the other would be better off in the case of a dissolution. We know that; we have seen some symptoms of it, unhappily for us all. We have heard the expression of such sentiments. These are the sentiments of extremes, far separated, with different institutions, and, to some extent, different interests, leading occasionally to harshness of feeling on either side. When a tariff is refused, perhaps Northern men think they would be better off without the Union. The South has occasionally thought, you know, that she would be better off without you. All these opinions may be honest, but all these variances of sentiment lead to one deplorable effect—the breaking of our great Union, the destruction of the mightiest hopes of man, the destruction of the mightiest hopes that all mankind might derive from our example of public liberty and public prosperity.

For the reasons I have mentioned, North or South may be occasionally of opinion that their interests would be benefited by a separation—opinions honestly; it may be patriotically, entertained; but what must everlastingly be the sentiment of that great Western region of country to which I have alluded? Their interest,

if I may call it so, their peculiar interest, is the Union. There never can be a time when any one of us in that section can think it is our interest that this Union should be destroyed. I ask gentlemen here, coming from the region of which I speak, how many men are there that you have found in that region who countenance for a moment the idea of disunion? They are all of one mind—instinctively of one mind. Instinctively they understand their interest; and that is the great pervading motive of mankind, on which alone durable relations can be established. What is your interest, you of the West? I have painted your condition feebly, and your productions. What are you to do? Are your products to rot upon your hands, and to be the cause of pestilence among you? No; but it must be so, unless you can find vent for them somewhere. Where are you to go? If a dismemberment of the Union takes place between the North and South, you are opposed to that, forever opposed to it, because it is to take away from you one of the means of access to the ocean and to the world, and to the marts of the world, for the sale of your productions. If there was a division between the North and South, the West might be occluded entirely either from going to the markets of New York or going to New Orleans, without being subject to tolls and taxes; and could that be borne? It would be a mighty burden for them to bear. It is their interest to avoid that burden. It is their interest, their peculiar interest, and must ever remain so, to keep the Union together, in order that they may have that mighty scope of free trade which they now enjoy. They will always have more to sell than any other equal number of people on the face of the earth. They have more than would glut New Orleans, more than would glut New York, if it could all be poured there. We want all these accesses. In our very position there is a local, a natural, a destined patriotism, so far as the Union is concerned. We must be found in it. Our prosperity, I may say, if not our existence as an agricultural people, depends on the preservation of the Union, and all the means for exportation and for commerce that both the Northern and Southern sections afford. We must go through both sections in order to find markets abroad for those pro-

ducts which are not to be consumed in our own country. We are enlisted and bound by an everlasting and perpetual bond of interest to stand by and protect the Union for the sake of the commerce, and for the sake of the freedom of trade which it, and it alone, secures to us. This is our peculiar interest. The North may have its; the South its; this is ours. You of this region ought to consider yourselves as bound by this interest, if possible, to superior care and vigilance over its preservation. We, having this interest always to guide us, an instructive as well as a judicious guide, standing between these two extremes, ought to take care that justice be done by one extremity to the other. We have no interest, gentlemen of the North and South, that is not yours, so far as mere union goes; but we have an interest beyond that; we have a material, a peculiar interest in the preservation of the Union of these States, for the sake of the trade and the market which it gives us. This ought to govern our actions. We should consider ourselves as the appointed guardians of this particular interest, having a deeper stake than others in the preservation of the Union, and bound to stand together in every fretful moment of discontent between the North and South, to see that equal justice be done to both and to all.

This is the position which I feel for myself and my brother Senators who represent that section of country; and I wish it were so that these great political truths were known and recognised, even in half their value, by every man who lives in that region, much less every one who represents them. We should be then as a sentinel set up in the Constitution, to watch over the Union, for the sake of protecting that which we shall be sure never to forget—our local and material interests. That will keep us awake constantly. We can have no prejudices against North and South. Our prosperity, to a great degree, depends upon them. We hail and cherish them all as our fellow-citizens, all as parts of the grand whole which constitutes us a mighty nation, now talked of in all the courts of Europe as one of the great Powers of the earth; and but a few years shall sweep over us, when, instead of being one of the great Powers of the world, we

shall be ranked as the greatest Power; when our word and our law, our words of justice and our laws of liberty, shall be heard and known throughout the habitable globe. What a glorious mission and what a bright day of prosperity is thus presented to us! Are we, the destined heirs and inheritors of such a mighty land as this is, to lower our thoughts to the practice of little arts and little policies, about the terms and conditions upon which a little feeble Territory is to be admitted into the Union? Are we to be distracted with this Lecompton question? Is it fit for the consideration of men, born as we are to such a mighty destiny—men from whose loins is to spring a generation who shall have a Government wider than imperial Rome possessed? Cannot we deal with these little things that disturb our peace, without allowing them to excite us into any acts that may even apparently be unjust or unequal—excite us to any unjust and fretful legislation on any subject?

The very thoughts that are natural to a citizen of these great United States should prevent it. If he will but raise his eyes from the ground on which he treads; if he will lift up that face which God has given him to look to heaven, and look forward, is there not enough to swell the heart of the nation, to give it a dignity and consequence in its own contemplations, to raise it above all the little mists and fretful poli-

cies of the day? We have only to think of ourselves, to appreciate ourselves; to act up to ourselves, and then tread in the paths of justice, disdaining to do anything but justice, equal justice—not only not to do injustice, and I am sure intentional injustice is not designed by any member—to do not only justice, but to avoid the suspicion or appearance of injustice in our conduct towards the different parts of this great and mighty family. This is the object I have endeavored to accomplish, with but little effect, I know. I have acted in a spirit of entire abandonment of every selfish purpose and every selfish feeling: I may be altogether wrong in these views. I have done what I thought best for my country, and my whole country—best for every part of it. The best way of protecting the peculiar interest of every section is by doing equal justice; and that you may be sure I will always do, according to my conception, where the South is concerned. She shall have justice; the North shall have justice; every portion of my country shall have justice, as I understand it. It is in that spirit, a spirit inoffensive in itself to any one, that I have endeavored to make good my opposition to this Lecompton proceeding.

Mr. President, with these remarks, and thankful for the attention with which they have been received by the Senate, I will not trespass longer on their patience.

WASHINGTON, D. C.

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